

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION NO. 3:19-009
v.	:	(JUDGE MANNION)
BRUCE EVANS, SR., and	:	
BRUCE EVANS, JR.,	:	
	:	
Defendants	:	

For the reasons set forth in the Memorandum of this date, **IT IS**

1. The motion to dismiss Counts 2-5 of the Superseding Indictment, **(Doc. 62)**, filed by defendant Evans Jr., **(Doc. 48)**, is **DENIED IN ITS ENTIRETY**. The motion to dismiss Counts 1-5, and 7 of the Superseding Indictment, **(Doc. 62)**, filed by defendant Evans Sr., **(Doc. 80)**, pursuant to Fed.R.Crim.P. 7(c), is **DENIED** as to Counts 1-5, and is **GRANTED IN PART** and **DENIED IN PART** as to Count 7.
2. Specifically, the motions to dismiss of both defendants with respect to Counts 2-3 of the Superseding Indictment are **DENIED** since these Counts allege the essential elements of the crimes charged.
3. Defendant Evans Sr.'s motion to dismiss Count 1 of the Superseding Indictment is **DENIED**.

4. The motions to dismiss of both defendants with respect to Counts 4-5 of the Superseding Indictment charging them with unlawful discharge of wastewater in violation of a CWA permit, under 33 U.S.C. §1319(c)(2)(A), are **DENIED**.
5. Defendant Evans Jr.'s motion for a Bill of Particulars under Fed.R.Crim.P. 7(f), with respect to Counts 2-4, is **DENIED**.
6. Defendant Evans Sr.'s motion to dismiss Count 7 of the Superseding Indictment as time barred is **GRANTED** as to all alleged conduct occurring **before January 8, 2014**, and is **DENIED** regarding all alleged conduct occurring **after January 8, 2014**.

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

Dated: August 19, 2021

19-9-02-ORDER